

**ASSEMBLY BILL**

**No. 1216**

**Introduced by Assembly Member Vargas**

February 21, 2003

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An act to amend Section 51189 of the Government Code, and to amend Section 13108.5 of the Health and Safety Code, relating to fire safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1216, as introduced, Vargas. Fire safety: regulations.

(1) Existing law requires the State Fire Marshal, no later than July 1, 1996, in consultation with the Director of Forestry and Fire Protection, to prepare and adopt a model ordinance that provides for comprehensive space and structure defensibility, including in very high fire severity zones.

This bill instead would require the State Fire Marshal, no later than January 1, 2005, in consultation with the Director of Forestry and Fire Protection, to prepare regulations that provide for comprehensive space and structure defensibility from exterior fire penetration. The bill would require the State Building Standards Commission to adopt the regulations.

(2) Existing law also requires the State Fire Marshal to propose, and the commission to adopt, amend, and repeal regulations for openings into the attic areas of buildings in fire hazard severity zones, including very high fire hazard severity zones, urban wildland interface communities, and other areas subject to wildland fire threats, as specified.

This bill would expand the subject matter of these regulations to roofs, exterior walls, and structure projections and openings. The bill

would define “urban wildland interface community” and would provide that regulations adopted pursuant to these provisions also apply to other areas designated by a local agency following a specified finding supported by substantial evidence.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 51189 of the Government Code is  
2 amended to read:

3 51189. (a) The Legislature finds and declares that space and  
4 structure defensibility is essential to diligent fire prevention. This  
5 defensibility extends beyond the vegetation management practices  
6 required by this chapter, and includes, but is not limited to,  
7 measures that increase the likelihood of a structure to withstand  
8 intrusion by fire, such as building design and construction  
9 requirements that use fire resistant building materials, and provide  
10 protection of structure projections, including porches, decks,  
11 balconies and eaves, and structure openings including attic and  
12 eave vents and windows.

13 (b) No later than ~~July 1, 1996~~ *January 1, 2005*, the State Fire  
14 Marshal, in consultation with the Director of Forestry and Fire  
15 Protection, shall prepare and *the State Building Standards*  
16 *Commission* shall adopt ~~a model ordinance~~ *regulations* that  
17 ~~provides~~ *provide* for comprehensive space and structure  
18 defensibility, ~~including in very high fire severity zones from~~  
19 ~~exterior fire penetration.~~

20 ~~(c) Upon adoption of the model ordinances, the State Fire~~  
21 ~~Marshal shall transmit copies of the ordinance to the appropriate~~  
22 ~~local agencies in every jurisdiction that contains a very high fire~~  
23 ~~hazard severity zone, and to the Director of Forestry and Fire~~  
24 ~~Protection.~~

25 ~~(d)~~

26 (c) The State Fire Marshal shall make every feasible effort to  
27 obtain funds from federal, state, local, and other appropriate  
28 sources to assist in developing and preparing ~~the model ordinance~~  
29 *these regulations.*

30 SEC. 2. Section 13108.5 of the Health and Safety Code is  
31 amended to read:



1 13108.5. (a) The State Fire Marshal shall propose, and the  
2 State Building Standards Commission shall adopt, amend, and  
3 repeal regulations for *roofs, exterior walls, structure projections*  
4 *including porches, decks, balconies and eaves, and structure*  
5 *openings into the attic areas including attic and eave vents and*  
6 *windows of buildings in those fire hazard severity zones, including*  
7 *very high fire hazard severity zones, urban wildland interface*  
8 *communities and other areas subject to wildland fire threats*  
9 designated by the Director of Forestry and Fire Protection  
10 pursuant to Article 9 (commencing with Section 4201) of Chapter  
11 1 of Part 2 of Division 4 of the Public Resources Code, and in very  
12 high fire hazard severity zones designated by a local agency  
13 pursuant to Chapter 6.8 (commencing with Section 51175) of Part  
14 1 of Division 1 of Title 5 of the Government Code.

15 (b) *Regulations adopted pursuant to this section shall also be*  
16 *applicable to buildings located in urban wildland interface*  
17 *communities, and other areas designated by a local agency*  
18 *following a finding supported by substantial evidence in the*  
19 *regulation record for effective fire protection within the area.*

20 (c) *For purposes of subdivision (b), “urban wildland interface*  
21 *community” means an area that is identified by the United States*  
22 *Department of Agriculture and the United States Department of*  
23 *Interior as an urban wildland interface community at high risk*  
24 *from wildfire and listed in the “List of Fire Threatened*  
25 *Communities in California, Appendix A” issued by the*  
26 *Department of Forestry and Fire Protection.*

